

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2352 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

YOGENDRA KRISHNALAL JOSHI

Versus

STATE OF GUJARAT

Appearance:

MR RJ OZA for Petitioners

MR HL JANI for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/12/97

ORAL JUDGEMENT

1. Challenge has been made by petitioners, by this Special Civil Application to the order annexure 'C' (colly.) dated 7.1.86 under which they have been reverted from the post of Workcharge Road Clerk to the post of Daily Wager Road Clerk.

2. Manifold contentions have been raised by learned counsel for petitioners challenging the validity, legality and correctness of these orders, but as this writ petition deserves to be accepted only on the ground that these orders have been made without any notice or opportunity of hearing to the petitioners, I do not consider it necessary to advert to all those contentions. The learned counsel for respondents does not dispute that the orders impugned in this Special Civil Application have been made by respondents without any notice or opportunity of hearing to the petitioners. The ground given for reversion of petitioners from the status of Workcharge Road Clerk to that of Daily Wager Road Clerk under the orders dated 7.1.86 is that the State Government has put ban on any new recruitment in the cadre concerned.

3. This petition has been admitted by this Court on 28.4.86 and interim relief in terms of para-12(D) has been granted. So for all these years, the orders impugned in this Special Civil Applications have not been given effect to. The orders dated 7.1.86 result in civil consequence to the petitioners and as such before passing such orders, the respondents should have adhered to the principles of natural justice, which precisely has not been done in the present case. Only on this short ground, this Special Civil Application deserves acceptance. The orders dated 7.1.86, annexure 'C' (collectively), are quashed and set aside. Rule made absolute. No order as to costs.

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(sunil)